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SENATE BILL 6400

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State of Washington

60th Legislature

2008 Regular Session

By Senator Carrell

Read first time 01/16/08. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to moral guidance of incarcerated persons; amending  
2 RCW 72.01.210, 4.92.060, 4.92.070, and 4.92.075; adding new sections to  
3 chapter 72.10 RCW; and creating new sections.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that men and women who  
6 are incarcerated have differing abilities to understand the financial  
7 and emotional cost and other difficulties faced by the victims that  
8 they have created. Many incarcerated men and women will be offered  
9 services aimed at preparing them for successful reentry to Washington  
10 communities. Still, it is critical that incarcerated persons  
11 understand the basis for their negative behaviors and have the  
12 opportunity to develop pro-social behaviors such as honest, caring,  
13 responsible, open-minded, willing, and humble ways of thinking and  
14 believing. These behaviors will better enable these men and women to  
15 fully participate in society and adhere to law-abiding behaviors, such  
16 as continuing treatment that is undertaken in prison, once the person  
17 is released in the community.

18 Living in an environment where foundational skills are modeled and  
19 encouraged fosters positive outcomes for people who have been convicted

1 and sentenced for their crimes. Basic skills include positive decision  
2 making, personal responsibility, building a healthy community,  
3 religious tolerance and understanding, ethics and morality, conflict  
4 management, family life relationships, leadership, managing emotions,  
5 restorative justice, transitional issues, and spirituality. Learning  
6 and practicing how to overcome minor and significant obstacles in a  
7 positive way will prepare offenders who are returning to our  
8 communities to begin their new crime-free lives.

9 NEW SECTION. **Sec. 2.** (1) The department of corrections shall  
10 establish an oversight committee to develop a comprehensive interagency  
11 plan to provide voluntary, nondenominational moral and character-  
12 building residential services and supports for offenders who are  
13 incarcerated in prison.

14 (2) The interagency plan shall include the following:

15 (a) Identification of existing state services and programs, as well  
16 as recognized community-based services and programs, for building moral  
17 character for those who are incarcerated;

18 (b) Identification of methods to improve collaboration and  
19 coordination of existing services and the community-based services and  
20 programs;

21 (c) Recommendations concerning new services and programs for adults  
22 who are incarcerated, involving both interagency and community-based  
23 efforts;

24 (d) Identification of evidence-based practices and areas for  
25 further research to support the long-term provision of moral and  
26 character-building services and programs for adults who are  
27 incarcerated, including the following:

28 (i) Identification and ongoing collection of data to the extent  
29 permissible under state and federal law relating to incarcerated  
30 individuals in the state who were in a foster care system as a minor,  
31 who have been in a state-funded mental health system or chemical abuse  
32 system, who have poor academic achievement, who were incarcerated in a  
33 juvenile rehabilitation system, who were subject to child abuse and  
34 neglect services, who have children under eighteen years of age; and

35 (ii) Identification and sharing of information relating to men and  
36 women incarcerated in prison who have children under eighteen years of  
37 age;

1 (iii) Identification and sharing of information about evidence-  
2 based or evaluated ongoing moral and character-building programs  
3 operating in other states serving both men and women who are  
4 incarcerated;

5 (e) A plan for offering both nondenominational and secular  
6 programming; and

7 (f) A system to prevent the diversion of public funds to religious  
8 activities.

9 (3) The oversight committee shall include the following:

10 (a) Representatives with decision-making authority from: The  
11 department of corrections; the department of social and health  
12 services; the Washington association of sheriffs and police chiefs;  
13 county law and justice councils; county community transition  
14 coordination networks; specialized county courts such as those  
15 addressing child dependency, drug, mental health, and domestic violence  
16 related crimes; prosecuting attorneys and public defenders;  
17 representatives of at least three faith-based organizations that work  
18 primarily in the prisons and at least three faith-based organizations  
19 that work primarily with offenders in the community; the religious  
20 program manager employed by the department of corrections; one  
21 institutional staff chaplain employed by the department of corrections;  
22 three chaplains: (i) One of whom volunteers in the institution, (ii)  
23 one of whom contracts with the department of corrections, and (iii) one  
24 of whom is a Native American program specialist with the department of  
25 corrections to serve those who are incarcerated; and six  
26 representatives from secular organizations in the private and public  
27 sectors that have evidence-based expertise in character and moral  
28 skills building, education, and residential programming;

29 (b) Two persons representing victims of crimes and their family  
30 members and friends;

31 (c) One former inmate of the state department of corrections; and

32 (d) One individual representing families of inmates who are  
33 incarcerated in state correctional institutions.

34 (4) In developing the interagency plan, the oversight committee  
35 shall seek input on moral and character-based residential programs in  
36 our state's adult correctional facilities from the public, including  
37 faith-based communities, state institutions of higher education, and  
38 the business community.

1 (5) The oversight committee shall develop the interagency plan by  
2 June 30, 2010, with an interim report due to the appropriate committees  
3 of the legislature by January 1, 2009.

4 **Sec. 3.** RCW 72.01.210 and 1993 c 281 s 62 are each amended to read  
5 as follows:

6 (1) The secretary of corrections shall appoint ((chaplains for the  
7 state correctional institutions for convicted felons; and the)),  
8 employ, or contract with at least:

9 (a) One full-time institutional chaplain for each state  
10 correctional institution, camp, or other total confinement unit housing  
11 more than two hundred fifty but less than six hundred inmates;

12 (b) One full-time institutional chaplain and one half-time  
13 institutional chaplain for each state correctional institution, camp,  
14 or other total confinement unit housing at least six hundred but less  
15 than one thousand inmates;

16 (c) Two full-time institutional chaplains for each state  
17 correctional institution, camp, or other total confinement unit housing  
18 at least one thousand inmates but less than two thousand inmates; and

19 (d) Three full-time institutional chaplains for each state  
20 correctional institution, camp, or other total confinement unit housing  
21 at least two thousand inmates but less than three thousand inmates.

22 (2) An institutional chaplain may provide religious services or  
23 related duties to inmates in additional facilities in the geographic  
24 area if the number of inmates does not exceed six hundred.

25 (3) If there are insufficient volunteer chaplains available, the  
26 department of corrections must hire a sufficient number of contract  
27 chaplains to minister to inmates of their own faiths or denominations.

28 (4) The secretary of social and health services shall appoint  
29 chaplains for the correctional institutions for juveniles found  
30 delinquent by the juvenile courts; and the secretary of corrections and  
31 the secretary of social and health services shall appoint one or more  
32 chaplains for other custodial, correctional, and mental institutions  
33 under their control. The chaplains so appointed shall have the  
34 qualifications and shall be compensated in an amount, as shall  
35 hereafter be recommended by the department and approved by the  
36 Washington personnel resources board.



1 In the case of a foster parent, necessary expenses of the defense shall  
2 be paid from the appropriations made for the support of the department  
3 to which such foster parent is attached. In such cases the attorney  
4 general shall appear and defend such officer, employee, contract  
5 employee, appointment, volunteer, or foster parent, who shall assist  
6 and cooperate in the defense of such suit. However, the attorney  
7 general may not represent or provide private representation for a  
8 foster parent in an action or proceeding brought by the department of  
9 social and health services against that foster parent.

10 **Sec. 8.** RCW 4.92.075 and 1989 c 413 s 2 are each amended to read  
11 as follows:

12 When a state officer, employee, contract employee, appointment, or  
13 volunteer has been represented by the attorney general pursuant to RCW  
14 4.92.070, and the body presiding over the action or proceeding has  
15 found that the officer, employee, contract employee, appointment, or  
16 volunteer was acting within the scope of his or her official duties,  
17 and a judgment has been entered against the officer, employee, contract  
18 employee, appointment, or volunteer pursuant to chapter 4.92 RCW or 42  
19 U.S.C. Sec. 1981 et seq., thereafter the judgment creditor shall seek  
20 satisfaction only from the state, and the judgment shall not become a  
21 lien upon any property of such officer, employee, contract employee,  
22 appointment, or volunteer.

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